

Town of Lincoln

100 Old River Road, Lincoln RI

Zoning Board of Review

September 1, 2009 Minutes

Present: Jina Karampetsos Chair, David Gobeille, John Bart Vice Chair, David DeAngelis, Raymond Trabulsi, Mark Enander, Attorney Joelle C. Sylvia (Town Solicitor Office)

Minutes

Motion made by Member Gobeille to accept the August 2009 Minutes as presented. Motion seconded by Member DeAngelis. Motion carried with a 5-0 vote.

Correspondence

Chair read into the record letter of resignation dated September 1, 2009 from Member Lee Blais. Motion made by Member Bart to accept his resignation. Motion seconded by Member Enander. Motion carried with a 5-0 vote.

Applications:

Andover Way d/b/a Storage America, 3900 NW 2nd Avenue, Miami, FL – Application for Special Use Permit for the installation of signage on property located at 100 Higginson Ave, Lincoln, RI.

AP 1, Lot 133 Zoned: MG 0.5

Represented by: Rhonda Hilt

Member Trabulsi sat with full privileges. This application was continued from the July and August, 2009 Zoning Board meetings. Chair read standards that need to be met into the record.

Applicant is before the Board for signage and to correct any existing issues at the site. She recently acquired the property and wants to maintain existing signage. There are currently 3 signs at the location – one on a pylon and two on fencing. One of the existing signs was erected without a permit from the Inspection Division. Pylon sign is located at main entrance, 4'x8' in front of the building and a banner sign on the fence. (Submitted into the record photos of existing signage as Exhibit #1.) Applicant stated a second entrance was opened up in 2004 for a tractor trailer facility at the site with signage on a pylon.

Attorney Sylvia inquired about the application stating there is an existing Special Use Permit for signage. Russell Hervieux, Zoning Official replied the Special Use Permit dated June 2008 on file was for signage on the building. In 2004, previous owner asked for two free standing signs for Storage America.

Chair read into the record Technical Review Committee recommendation:

Members of the Technical Review Committee visited the site and

reviewed the submitted application for a Special Use Permit for the installation of additional signage on property located at 100 Higginson Avenue. The Planning Board recommends Denial of this Special Use Permit application. The applicant already received permission to increase the amount of signage for this property. Currently, the property has one freestanding sign and one large building mounted sign. The application does not present any hardship for needing additional signage nor does it represent the least relief needed. The Planning Board feels that the addition of more signage on this property would impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

No opposition present.

Discussion:

Member Trabulsi stated he drove by the site three times and the facility sits back from the road and feels what applicant is requesting should be allowed to encourage commerce in the area. Chair had reservations about the banner signage and felt if approved a condition should be placed for its removal. Member Enander lives in the area and also felt banner did not fit in with other signage at the site.

Motion made by Member Gobeille to approve the application for existing signage with a condition that existing banner on the fence be removed and no further signage be installed at the site. Motion

seconded by Member Enander. Motion carried with a 5-0 vote.

Edward & Linda Sliney, 1159 Smithfield Avenue, Lincoln, RI – Application for extension of Decision rendered on July 8, 2008.

AP 2, Lot 103 Zoned: RG 7

Represented by: John Shekarchi, Esquire

Russell Hervieux, Zoning Official informed the Board that applicant has filed for a building permit and would like to start construction but needs an extension.

Motion made by Member Bart to grant a six month extension to expire in January 2010. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

Robert & Claire Girard, 12 Avenue B, Lincoln, RI – Application for Dimensional Variance seeking front yard setback for the construction of a garage.

AP 29, Lot 73 Zoned: RL 9

Member DeAngelis sat with full privileges. Chair read standards that need to be met into the record.

Applicant is seeking relief of 14.5 feet front on Avenue B, 4.5 feet on east side of property. Existing garage demolished and they would like to build a new 2-car garage attached to an existing mud room.

Old garage was 30-40 feet from house. Garage peak will be lower than existing mud room. (Submitted into the record supportive correspondence from three neighbors as Exhibit #1.)

Chair read into the record Planning Board recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of this application. The Planning Board feels that the proposed design and layout of the attached garage is due to the unique shape of the existing lot. The Planning Board finds that the applicant presents a realistic site layout that meets the intent of the zoning and fits with the character of the surrounding neighborhood.

No opposition present.

Motion made by Member DeAngelis to grant application seeking relief of 14.5 feet front on Avenue B, 4.5 feet on east side of property. He further stated:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**

- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.
- The relief requested is the least relief necessary.
- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property.

Motion seconded by Member Bart. Motion carried with a 5-0 vote.

Kenneth Manzo, 96 Angell Road, Lincoln, RI – Application for Special Use Permit for the construction of in-law living space.

AP 43, Lot 007 Zoned: RS 20/RA 40

Represented by: Dale Helquist, Son-in-law of applicant

Member Trabulsi sat with full privileges. Chair read standards that need to be met into the record.

Addition will be built within the building envelope. They want to move in with in-laws who will be caring for their new child. Living space will consist of two levels and same footprint as existing house. The only difference is they will be adding a farmer's porch with their own front door entrance. They are not adding any garage space.

Exterior of house and roof will match existing house.

Chair read into the record Planning Board recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of the Special Use Permit for the Accessory Family Dwelling Unit. The applicant proposes to build an accessory family dwelling unit within their existing house. The applicant took great care in the design of the proposed accessory family dwelling unit so that the entire structure will continue to look like a single family house from the roadway. The Planning Board feels that the special use permit will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

No opposition present.

Motion made by Chair Karampetsos to approve the application with condition that applicants file an annual notarized Letter of Occupancy with the Town Clerk and return before this Board every five years. She further stated:

- That the Special Use is specifically authorized under this Ordinance**
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use**
- That the granting of the Special Use will not alter the general character of the surrounding area**

- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan

Motion seconded by Member Bart. Motion carried with a 5-0 vote.

Michael Ritchi, 10 Spruce Street, Lincoln, RI – Application for Dimensional Variance seeking front and rear yard relief for the construction of a sunroom.

AP 36, Lot 65 Zoned: RL 9

Member DeAngelis sat with full privileges. Chair read standards that need to be met into the record.

Applicant wants to build a 12'x25' sunroom at the rear of the home on the south side fifteen feet from an existing fence. Garage is located on the opposite side of the house. Proposed location is only alternative site. Sunroom is prefab construction with aluminum exterior and roof line will continue off existing roof. Color will match existing house. Applicant has back trouble and wants to install a Jacuzzi for therapeutic reasons. Roof panels will be insulated and match roof shingles.

Chair read into the record Planning Board recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The proposed dimensional variance for the front yard is to clear up the pre-existing

nonconformance of this parcel of land. This record lot was platted before present day zoning regulations. The proposed dimensional variance for the rear yard is for the construction of a new sunroom. The Planning Board recommends Approval of this application. The Planning Board feels that the proposed location of the sunroom and the configuration of the existing lot limit the owners to the area in which they can locate the proposed addition. The Planning Board finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

Motion made by Member Bart to grant application seeking relief of 10.15 feet rear yard, 5.0 feet front yard to stairs and 6.0 feet rear yard setback. He further stated:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience, meaning**

there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property.

Motion seconded by Member Enander. Motion carried with a 5-0 vote.

YMCA of Pawtucket, Inc., 660 Roosevelt Avenue, Pawtucket, RI – Application for Use Variance for the construction of a new indoor/outdoor recreation facility on property located at MacColl YMCA, 26 Breakneck Hill Road, Lincoln, RI.

AP 25, Lots 48/58/68/69/71 Zoned: RA 40

No one present on the application and no correspondence received. Russell Hervieux, Zoning Official stated he had reminded attorney for applicant that the application was being heard this evening. Proper notice served and application was advertised. Mr. Hervieux will send applicant's attorney a letter informing them that application was being continued to the October agenda.

Motion made by Member Trabulsi to continue the application to the October agenda. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

Other:

Election of Chair and Vice Chair will be placed on the October agenda.

Motion made by Member Bart to adjourn the meeting. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.

Respectfully submitted,

Ghislaine D. Therien

Recording Secretary